

\$~74

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 1531/2018**

SATISH KUMAR OSWAL Petitioner

Through : Mr.Anuj Kumar Garg, Advocate.

versus

AJAY CHOPRA

..... Respondent

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **14.12.2018**

CM Appl.No.52495/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM(M) 1531/2018, CM Appl.No.52494/2018

This petition challenges the order dated 11.10.2018 whereby on an application filed by the respondent herein for bringing on record the correct site plan of the premises in dispute he was allowed to do so.

The learned counsel for the petitioner submitted the site plan which the respondent now intends to bring on record do not relate only to dimensions, measurements and possession of the suit property, but the respondent in fact intends to do away with the admissions made in the initial site plan as it depicts the name of the tenant and landlord/owner. The only prayer made in the application by the respondent before the learned Trial Court was that he has filed an incorrect site plan with the plaint and he be allowed to file a correct site plan and the site plan filed inadvertently earlier with the plaint infact was required to be filed in some other suit.

Considering the stage where the trial has not yet commenced as yet, in case the respondent had filed a wrong site plan with wrong particulars, he has every right to file a correct site plan and to bring it on the record.

There is no question of withdrawal of any alleged admissions since the initial site plan which has been replaced would too remain on record and the petitioner would have every right to confront the respondents with any alleged admissions made in such site plan & also qua the authenticity of the later plan.

There is no merit in the petition as the impugned order does not suffer from any infirmity and hence the petition is dismissed. The pending application also disposed of.

YOGESH KHANNA, J.

DECEMBER 14, 2018

M